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Attorneys for Plaintiff  
Garrison Property and Casualty Insurance Company  
d/b/a The United States Automobile Association

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

GARRISON PROPERTY AND  
CASUALTY INSURANCE CO.  
d/b/a/ THE UNITED STATES  
AUTOMOBILE  
ASSOCIATION,  
Plaintiff,

v.

STEVEN BIAKANJA, THE ESTATE OF  
LISA BIAKANJA, by the through its co-  
administrators, KENNETH M. MCINTIRE  
and JOAN MCINTIRE; KENNETH M.  
MCINTIRE, individually, and on behalf of  
all wrongful death beneficiaries of Lisa  
Biakanja, Deceased; JOAN MCINTIRE,  
individually, and on behalf of all wrongful  
death beneficiaries of Lisa Biakanja,  
Deceased,

Defendants.

**Case No. 5:23-cv-05612-NC**

**Judge:** Judge Nathanael M. Cousins

**STIPULATION REQUESTING  
EXTENSION OF THE JANUARY 31,  
2024 INITIAL CASE  
MANAGEMENT CONFERENCE  
AND ASSOCIATED DEADLINES**

TO THE COURT, TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

1 This Stipulation is submitted pursuant to Local Rule 6-2 and is entered into by and  
2 between all Plaintiffs and Defendants (collectively, the “Parties”) for the purpose of  
3 efficiently managing this litigation.  
4

5 1. The original Complaint in this matter was filed on October 31, 2023.

6 2. On October 31, 2023, the Court issued its Order Setting Initial Case  
7 Management Conference and ADR Deadlines (Dkt. No. 3) scheduling a Case Management  
8 Conference (“CMC”) on January 31, 2024; designating January 10, 2024 as the Parties’ last  
9 date to meet and confer regarding initial disclosures, early settlement, ADR process  
10 selection, and discovery plan; designating January 10, 2024 as the Parties’ last day to file  
11 ADR Certification signed by Parties and Counsel; and designating January 24, 2024 as the  
12 Parties’ last day to file a Rule 26(f) Report, complete initial disclosures or state objection in  
13 Rule 26(f) Report and file Case Management Statement.  
14  
15  
16

17 3. The Estate of Lisa Biakanja, by and through its co-administrator Kenneth M.  
18 McIntire (“the Estate”); Kenneth McIntire, individually; and Joan McIntire, individually  
19 (collectively, “the Defendants”) are currently representing themselves in this lawsuit *pro se*,  
20 and require additional time to secure legal representation.  
21

22 4. Plaintiff Garrison Property and Casualty Insurance Co. d/b/a The United States  
23 Automobile Association does not oppose the Defendants’ request for additional time.  
24

25 5. Defendant Steven Biakanja has been voluntarily dismissed from this lawsuit  
26 pursuant to ECF Doc. 19.  
27  
28

6. This instant stipulation is the first time in this instant litigation that any of the Parties have requested an extension.

7. Accordingly, the Parties now respectfully ask the Court to continue the CMC presently set for January 31, 2024, sixty (60) days until April 1, 2024; to grant the Parties a sixty (60) day extension, or until March 11, 2024, to meet and confer and file their ADR Certification; and to grant the Parties a sixty (60) day extension, or until March 25, 2024, to file a Rule 26(f) Report, complete initial disclosures, or state objection in Rule 26(f) Report and file Case Management Statement.

8. This Stipulation is not offered for any dilatory or improper purpose, but rather solely to effectively manage the scheduling of case events and to ensure the most efficient use of resources by the Court, the Parties, and their counsel.

WHEREFORE, subject to this Court's approval, the Parties, desiring to efficiently manage this matter, hereby stipulate to a continuance of the CMC and related deadlines for sixty (60) days or a date thereafter convenient for the Court's calendar.

Dated: January 5, 2024 Respectfully submitted,

By: /s/ Kenneth M. McIntire, electronically signed with approval  
Kenneth M. McIntire, as co-administrator of the Estate of  
Lisa Biakanja

By: /s/ Kenneth M. McIntire, electronically signed with approval  
Kenneth M. McIntire, individually

By: /s/ Joan McIntire, electronically signed with approval  
Joan McIntire, individually

By: /s/ Laurence J.W. Tooth

Laurence J.W. Tooth (*pro hac vice*)

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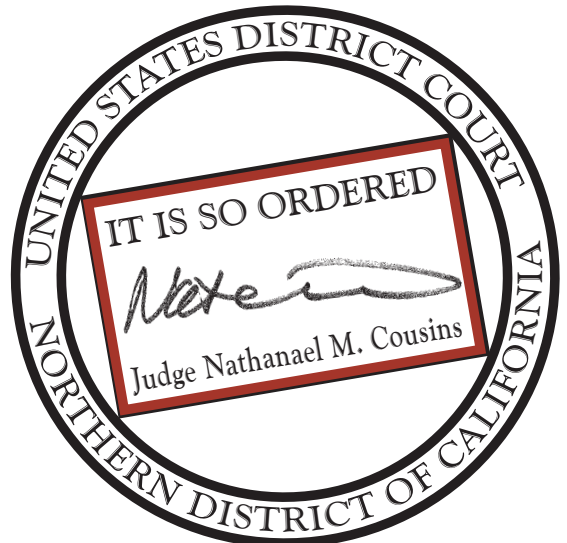
Attorneys for Plaintiff

The United Services Automobile Association

## ORDER

The Court grants the stipulation as modified. Case Management Statement due March 27, 2024. The Case Management Conference is continued to April 3, 2024, at 10:00 a.m. by telephone.

Dated: January 5, 2024



**CERTIFICATE OF SERVICE**

I hereby certify that on January 5, 2024, I electronically filed the foregoing STIPULATION REQUESTING EXTENSION OF THE JANUARY 31, 2024 INITIAL CASE MANAGEMENT CONFERENCE AND ASSOCIATED DEADLINES with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties of record.

By: /s/ Laurence. J.W. Tooth